21 Demonstrators Face Mayday Trial

Only 21 of the nearly 10,000 pesons arrested during Mayday demonstrations here remain to go to trial, Superior Court executive officer Arnold M. Malech announced yesterday, Malech said bench warrants have been issued for all 21 because they failed to show up for trials.

Of 9,666 persons arrested, 757 have been found guilty; 1,293 forfeited collateral; 117 were acquitted at trial and 7,499 were released without prosecution, either on court order or on the initiative of the prosecutor's office.

Malech's summary showed that of the 757 found guilty, 128 were convicted at trial, 605 pleaded no contest and 24 pleaded guilty. Disposition resulted in 388 jail sentences, 64 fines and 305 suspended sentences.

Mitchell Kept in Mayday Suit

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By Philip A. McCombs
Washington Post Staff Writer

Attorney General John N. Mitchell and his deputy, Richard G. Kleindienst, may have to answer questions about their roles in the mass arrests during last spring's Mayday antiwar demonstrations as a result of a federal court ruling.

U.S. District Judge John H. Pratt has denied a motion by the top two Justice Department officials to dismiss them as defendants in an action filed by 15 persons who contend they were illegally arrested here on Monday, May 3.

Defense attorneys Joseph L. Rauh Jr. and Elliott C. Lichtman have submitted a list of questions to be answered by Justice officials about their roles in the arrests that accompanied the antiwar demonstrations here.

Mitchell and Kleindienst have formally denied and responsibility for the arrests, saying that the decisions were made by D.C. Police Chief Jerry R. Wilson.

If Judge Pratt's decision is not overturned on appeal, the Justice officials will have to reveal full details of their meetings with Wilson and other city officials prior to and during the demonstrations.

Other questions involve details of meetings among other justice officials, including President Nixon's nominee to the Supreme Court, Assistant Attorney General William H. Rehnquist; Deputy Assistant Attorney General Fred Ugast; Associate Deputy Donald E. Santarelli, and Assistant Will Wilson.

Irwin Goldbloom, the government attorney in the case, said last night that a decision on whether to appeal may not be made before January, when the questions are due to be answered.

Judge Pratt did not list his reasons for denying the motion to dismiss. He simply wrote "denied" on them in longhand, the usual procedure on such interim motions.

Controversy surrounded the mass Mayday arrests and Chief Wilson's decision to suspend the use of a standard field arrest form prior to most of the 7,000 arrests on Monday, May 3.

Sources both inside and outside government—including Rauh and other attorneys—have maintained that while Wilson made tactical field decisions regarding Mayday, he acted in coordination with, and sometimes on the basis of

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instructions from, the Justice Department.

In sworn affidavits filed in the case in September, both Mitchell and Kleindienst denied reports that the Justice Department had set the guidelines for the police response to the Mayday demonstrations.

They denied the allegation that there had been "a predetermined conspiracy (by the government) to disregard and deny the legal and constitutional rights of citizens" during the arrests and detention.

his affidavit, There were

In fact, said Kleindienst in never and discussions, agreements or understandings between myself, the chief o police, the Attorney General . . . or anyone else concerning the specific circumstances under which any arrests would be made or the methods or procedures to be utilized in arresting persons who were violating the law . . ."

Defense attorney Lichtman said yesterday he thought this was not true, and that the list of questions was designed to bring out information that could be used to show that the Justice Department had been heavily involved in planning for the arrests.

The Justice Department's key argument of noncomplicity in the arrests cannot be effectively fought until the questions are fully answered, Rauh and Lichtman argued in their court papers.

Judge Pratt's decision means that the case must be continued at least until the questions, submitted in written form, are answered.

Kleindienst's affidavit conceded that the Justice Department held extensive interdepartmental meetings beginning in March to consider the demonstrations.

The defense attorneys' questions ask for the date, place, participants and full details on what was said in these meetings.